

REMARKS

I. Introduction

Claims 1-30 are pending in the application. In the Office Action dated February 9, 2006, the Examiner rejected claims 1-30 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,263,064 ("O'Neil") in view of U.S. Pat. App. Pub. No. 2002/0036505 A1 ("McDowell"). In this Amendment, claims 1, 11, and 21 have been amended. Applicants respectfully request reconsideration and withdrawal of the rejection in light of the amendments to the claims and the following remarks.

II. The Proposed Combination of O'Neil and McDowell Does Not Render the Current Independent Claims Unpatentable

Amended independent claims 1, 11, and 21 are directed to a method and system for providing an improved routing solution that uses a presence management and detection Web service in combination with communication tools having embedded presence management devices. In general, a message which is to be routed to one of a plurality of authorized parties is received. A web service is polled to detect the presence of a first authorized party of the plurality of authorized parties. It is determined that the presence of the first authorized party remains undetected over an allocated time period and the web service is polled again to detect the presence of a second authorized party of the plurality of authorized parties. ***In response to determining that the presence of the first authorized party remains undetected and detecting the presence of the second authorized party***, the message which is to be ***routed to one of the plurality of authorized parties*** is routed to an active communication device associated with the second authorized party. Neither O'Neil or McDowell disclose at least routing a message which is to be routed to one of the plurality of authorized parties to an active communication device associated with a second authorized party in response to determining that the presence of a first authorized party remains undetected and detecting the presence of the second authorized party as recited in independent claims 1, 11, and 21.

The Examiner had admitted the O'Neil does not disclose detecting the presence of a first or a second authorized party. Therefore, O'Neil necessarily cannot disclose

performing any action in response to detecting the presence of the first or second party. The only reference cited by the Examiner that discloses detecting the presence of a user is McDowell.

McDowell is directed to a system that provides advertisements to instant messaging users based on a detected presence of the instant messaging user. Generally, the McDowell system detects whether a user is present, and if present, then sends an advertisement to the user. In other words, McDowell discloses a system that sends a plurality of advertisements to a plurality of potential customers who are currently online. McDowell does not disclose routing a message ***in response to determining that the presence of another party remains undetected and detecting the presence of the user*** as recited in independent claims 1, 11, and 21. In McDowell, a message is sent to the user independent of whether another party is present or not.

Further, in McDowell, an advertisement is sent to all parties whose presence has been detected. There is no single message that is being routed to one party as in the independent claims. The McDowell system is not attempting to send a single message intended for a group of people, to a single person in response to detecting the presence of that single person. The McDowell system is sending an advertisement to a plurality of users.

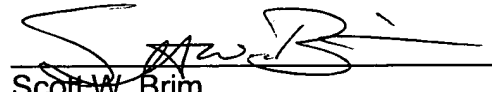
Due to the fact neither O'Neil or McDowell disclose or suggest at least routing a message which is to be routed to one of the plurality of authorized parties to an active communication device associated with a second authorized party in response to determining that the presence of a first authorized party remains undetected and detecting the presence of the second authorized party as recited in independent claims 1, 11, and 21, the combination of O'Neil and McDowell as contemplated by the Examiner necessarily does not render independent claims 1, 11, and 21, or any claims that are dependent on independent claims 1, 11, and 21, unpatentable. Applicants respectfully request the withdrawal of the rejection to the pending claims under 35 U.S.C. § 103(a) as being unpatentable over O'Neil in view of McDowell.

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Amendment dated May 9, 2006
Reply to Final Office Action of February 9, 2006

III. CONCLUSION

In view of the foregoing remarks, Applicants submit that the pending claims are in condition for allowance. Reconsideration is therefore respectfully requested. If there are any questions concerning this Response, the Examiner is asked to phone the undersigned attorney at (312) 321-4200.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott W. Brim", written over a horizontal line.

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